

## Report

**To:** Chair and Members of the Committee of Adjustment

**From:** Larysa Russell, MCIP, RPP  
Senior Planner, Infrastructure Services

**Date:** March 3, 2021

**Subject: Minor Variance Application File No. A-03/21**  
**Dufferin Condo Plan No. 12, Unit 3, Level 1**  
**76-78 Centennial Road**

**Applicant: 76-78 Centennial Development Corporation**

**Official Plan Designation:**  
**'Employment Area' (Schedule 'A')**

**Zoning (By-law 22-90):**  
**'General Industrial (M1) Zone'**

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### 1. Introduction

The applicant is requesting a minor variance to permit 10% of the floor area of a caterer's establishment to be used for takeout at 76 Centennial Road, Unit 3.

### 2. Background

The subject property is located on the south side of Centennial Road, between C Line and Robb Boulevard, municipally known as 76 and 78 Centennial Road. The property is approximately 6,555 square metres (70,557 square feet) in area, with 41 metres (135 feet) of frontage along Centennial Road. Two single-storey multi-tenant industrial buildings exist on the property and are situated within an industrial employment area. The location of the subject lands is indicated on Attachment No. 1. The minor variance application is only in relation to 76 Centennial Road, Unit 3, which is approximately 130 square metres (1,400 square feet) in area.

Unit 3 of 76 Centennial Road is currently occupied by "Simply Pasta", which is a catering company that was launched in September of 2018 to provide freshly made hot lunch meals to elementary schools. In January 2020, they created "The Eatery", extending their services to include private and corporate catering, as well as frozen and fresh food take-

out options. To enable the added take-out portion of the business, the unit was modified to create a pick-up/take-out area with a counter and fridge, occupying less than 10% of the total floor area.

The subject property is zoned 'General Industrial (M1) Zone' in Zoning By-law 22-90, as amended. The M1 zone permits a caterer's establishment, which is defined as "an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out." Based on the definition, the applicant is not permitted to provide a take-out option for customers. As such, the applicant is requesting a minor variance to permit 10% of the floor area to be used for take-out.

Pending approval by the Committee of Adjustment of this application, the proposed use will comply with the provisions of the Zoning By-law. However, approval of applicable permits under the Ontario Building Code will still be required.

### **3. Staff Comment**

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, outlines four tests that the Committee of Adjustment must be satisfied have been met when considering an application for a minor variance. Planning Division staff offer the following comments for the Committee's consideration in review of these four tests:

#### ***3.1. Conformity with the Official Plan***

The subject property is designated "Employment Area" in the Town of Orangeville Official Plan (Schedule 'A'). Permitted uses include "manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling, offices, transportation and communication uses, research and information processing facilities, recreational uses and accessory uses." (Section E3.2)

Section E3.3.a permits secondary uses, including "retail sales provided that the retail use is accessory to an employment use (on the same site) and occupies a portion of the building and the site which is significantly less than that occupied by the main use of the site." Further, Section E3.3b permits "limited service commercial uses providing a support function to employment uses including restaurants".

As previously described, Simply Pasta has modified their catering business to include a take-out option called The Eatery. The Eatery is intended to mainly serve the surrounding industrial community, providing corporate catering as well as individual frozen and fresh food take-out options. This portion of the business occupies less than 10% of the unit,

deeming it accessory or secondary to the main employment use. It also fulfills the need for supporting restaurant functions within the employment area.

The proposed variance is considered to conform with the intent of the Official Plan.

### ***3.2. General Intent of the Zoning By-law is Maintained***

The subject property is zoned 'General Industrial (M1) Zone' in Zoning By-law 22-90, as amended. As noted previously, the M1 zone permits a caterer's establishment; however, this use does not permit take-out options based on its definition in the By-law.

The applicant is requesting a minor variance to permit 10% of the floor area of a caterer's establishment to be used for take-out at 76 Centennial Road, Unit 3.

The proposed variance to permit take-out at a maximum of ten percent (10%) will limit this portion of the business, ensuring it remains accessory to the overall employment use. Furthermore, the take-out permission will only apply to a caterer's establishment use.

Permitting a take-out accessory use to a catering establishment implements the Official Plan direction to permit uses that support the function of the overall employment area.

The requested variance maintains the general intent and purpose of the Zoning By-law.

### ***3.3. Desirable Development or Use of the Land, Building or Structure***

The variance will not result in adverse impacts on the subject lands or surrounding properties. The requested variance is considered desirable and appropriate for the use of the land.

### ***3.4. Minor in Nature***

In consideration of the foregoing, this application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

## **4. Recommendation**

Planning Division staff recommends that this Minor Variance Application (File No. A-03/21) to permit 10% of the floor area of a caterer's establishment to be used for takeout at 76 Centennial Road, Unit 3, be approved.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read 'L Russell', written in black ink.

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Larysa Russell, MCIP, RPP  
Senior Planner, Infrastructure Services

Attachments:

1. Location Map

